THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :20340 OF 2007

DATED:27-09-2007

BETWEEN:

Bathula Venkatamma & 5 others.

..... PETITIONERS

AND

The Collector,
Khairathabad,
Rangareddy District,
Hyderabad & 3 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the inaction of the 3rd respondent in not disposing the application in respect of the Succession Petition filed on 05-02-2007 under Section 40 of the A.P. (Telangana Area) Tenancy & Agricultural Lands Act, 1950 (for brevity, 'the Act') for declaring the petitioners as the successors of the original protected tenant-Bathula Baiah in respect of the agricultural land bearing Sy.No.49, admeasuring Ac.6.00 situated at Kothapet village, Saroornagar mandal, Rangareddy District, and declare the same as illegal and arbitrary.

3. It is the case of the petitioners that an extent of Ac.6.00 of land in Sy.No.49 situated at Kothapet village, Saroornagar mandal, Rangareddy District originally belongs to one Venkat Laxmareddy, who was the original pattadar and one Bathula Babaiah was the protected tenant of the said property. It is stated that the said Babaiah-father of the petitioners 2 to 6; and husband of the 1st petitioner, died on 19-05-1994, and the protected tenancy granted in favour of the said Babaiah is subsisting and it was not cancelled or surrendered and therefore, the legal heirs/successors of Babaiah are entitled to succeed the protected tenancy. It is further

stated that there is no dispute with regard to the fact that the petitioners are only the legal heirs and there is no other claim.

4. It is stated that petitioners have made an application before the Mandal Revenue Officer, Saroornagar on 05-02-2007 under section 40 of the Act to enter their names as protected tenants in respect of the said land, they being the successors, but the said application has not been considered and disposed of so far.

5. Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, 3rd respondent is directed to consider and dispose of the said application after giving reasonable opportunity to the petitioners as well as the original pattadar-4th respondent herein in accordance with law as expeditiously as possible, without any undue delay.

6. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

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V.ESWARAIAH,J

27th September, 2007.

Note:

Furnish C.C. of the order within three days.

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